



Connecticut Farm Bureau Association
775 Bloomfield Ave., Windsor, CT 06095-2322
(860) 768-1100 • Fax (860) 768-1108 • www.cfba.org

February 9, 2011

Raised Bill No. 832: AN ACT CONCERNING THE PROTECTION OF INLAND WETLANDS AND WATERCOURSES

Submitted by: Donald Tuller, President, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Edward Meyer, Representative Richard Roy and members of the Environment Committee:

Connecticut Farm Bureau Association is concerned that this proposed legislation will cloud rather than clarify the agricultural "as of right protections" that are at the very foundation of Connecticut's Inland Wetland Legislation. In new (17), farm crops are not mentioned in the part of the definition of things excluded from the definition of "Natural Vegetation" That inclusion would add clarity. We do believe that the reference to the Definition of Agriculture (as described in section 1-1) in section 22a-40 (a) (1) will be helpful.

While there are many agricultural activities that would be permitted as of right, there are some activities that could be considered regulated. While the building of a farm pond is considered permitted as of right, the clearcutting of the trees for the construction of the pond may be considered regulated if it is in a wetland or regulated buffer. It is essential that farmers be allowed to exercise their rights to construct roads through wetlands when necessary. The use of fill must be understood to be part of that allowed construction. Including that clarification in these proposed regulations would help to address our concerns. These are just a few examples of agricultural activities that may be considered regulated and thus be negatively impacted by this bill.

This proposed legislation would allow a municipal wetlands agency to *prohibit*, rather than *regulate*, an activity within one hundred feet of a wetlands or watercourse. Broad and discretionary language such as the use of the word "may" and "likely" are widely open to interpretation and provide cause for concern in the implementation of this bill.

The word "prohibit" is a very strong word that requires extraordinary consideration when applied to private property. CGS 22a-40 is currently not applied uniformly by municipal wetlands commissions. Agricultural activities that are considered regulated in some municipalities are considered permitted as of right in others. The agricultural community cannot ill afford costly and unnecessary regulations nor can it afford to bring litigation against wetlands commissions that do not currently implement 22a-40 within the intent of the legislation.

One of the strengths of Connecticut's Inland Wetland Regulations is that they are based on soil types, not vegetation. Many local Inland Wetland Agencies have established Upland Review areas with different distances. Expanding the regulated area, in place of the upland review areas and changing the scope to regulating vegetation is a very serious change.

Further concern is the lack of training required for municipal wetlands commissions. Training should be mandatory for all wetland commission members along with provisions for non-compliance.

Connecticut Farm Bureau Association - The Voice of Connecticut Agriculture